

Approved by: Kristen L. Doreman
KRISTEN L. DOREMAN
Special Assistant United States Attorney

 ORIGINAL

Before: HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York

21 MAG 10784

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UNITED STATES OF AMERICA : MISDEMEANOR
 : COMPLAINT
 :
 -v- : Violation of
 : 18 U.S.C. 641
 JAMES P. POWER :
 :
 : COUNTY OF OFFENSE:
 Defendant : WESTCHESTER
 :
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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK, ss.:

ANTHONY LUCIANO, being duly sworn, deposes and says that he is a Police Officer, assigned to the Department of Veterans Affairs Police Service, Franklin Delano Roosevelt VA Medical Center, Montrose, New York, which is located in the Southern District of New York, and charges as follows:

COUNT ONE

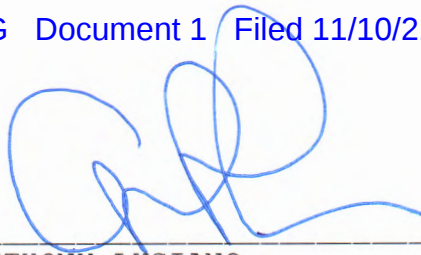
On or about October 7, 2020, at the Franklin Delano Roosevelt VA Medical Center, Montrose, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, JAMES P. POWER, the defendant, unlawfully, knowingly and willfully stole government property, to wit, two "Colgate Plus Man" toothbrushes and one Micro Touch Solo men's personal hair grooming kit.

(Title 18, United States Code, Section 641

The bases for the deponent's knowledge and for the foregoing charges are, in part, as follows:

1. I am a Police Officer, assigned to the Department of Veterans Affairs Police Service, Franklin Delano Roosevelt VA Medical Center, Montrose, New York, which is located in the Southern District of New York.
2. On October 7, 2020, at 0835 hours, Nancy Russell, who is chief of the VA Canteen Service in Montrose, NY, reported to Police Operations that the defendant, who was identified as a tall, white male wearing a tannish brown jacket and tannish brown pants had entered the Canteen, and then quickly walked out of the Canteen, activating the shoplifting alarm as he was exiting. Ms. Russell and Mr. Mario Sheldon, who is the assistant Canteen chief, had both called out to the defendant to return to the Canteen after activating the alarm. The defendant responded that he didn't know what the alarm sound was and kept walking away quickly.
3. Sergeant Falsetta reviewed video footage recorded from the Canteen's surveillance cameras, which documented the shoplifter removing the Canteen merchandise, which was identified as two containers of "Colgate Plus Man" toothbrushes and a larger item from the second display rack, identified as Micro Touch Solo men's personal hair grooming kit. He then concealed the said merchandise inside of his jacket. SGT Falsetta was able to identify the shoplifter as the defendant. The footage also revealed the shoplifter sensor lights activating as the defendant exited the store, as well as Ms. Russell and Mr. Sheldon calling for the shoplifter to return to the store. The total value of the stolen merchandise is \$28.37. SGT Falsetta identified the man in the surveillance camera as the defendant, from a prior experience involving the defendant.
5. On November 20, 2020, the defendant was arrested as he entered VA property for this incident, transported to Police Operations where he was photographed, fingerprinted and was issued a United States District Court Violation Notice for Theft of Government Property (DCVN Number 9044185/SY53) and released.

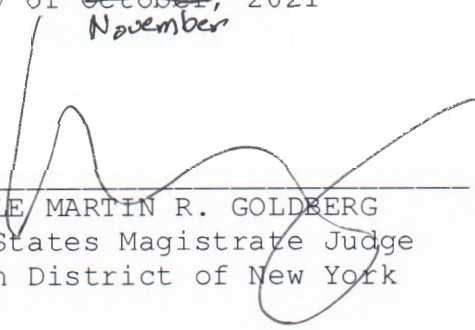
WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.



ANTHONY LUCIANO
VA Police Service

Sworn to before me this
~~21st~~ day of ~~October~~, 2021
10th November

MRG



HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York